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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,680	11/21/2000	Martyn S. Lovell	777.334US1	9114

41505 7590 08/11/2005

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PHILADELPHIA, PA 19103

EXAMINER

SHRADER, LAWRENCE J

ART UNIT PAPER NUMBER

2193

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/717,680

Applicant(s)

LOVELL ET AL.

Examiner

Lawrence Shrader

Art Unit

2193

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 24 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-9, and 12 - 28.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
**ANIL KHATRI**  
**PRIMARY EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because:

The Applicant has principally argued:

"The present invention as recited in claim 1 is directed to a system that comprises a source code editor that can edit a source code module, and a graphical design interface that can display a graphical object representing code of the source code module. The graphical design surface displays a database object, including a database column. The graphical design interface can bind the database column to a variable of the source code module.

Chainini is directed to a graphical programming application that is intended to be run under a graphic user interface operating system. As acknowledged by the Office Action, Chainini fails to disclose or suggest a graphical object representing a database object, including a database column.

The Office Action states that Banning discloses a graphical object representing a column of a database. However, Banning is merely directed to displaying the contents of a database to a user and allowing the user to change the contents of the database, but this is completely unrelated to graphical programming.

Banning lacks any suggestion or motivation to apply its teachings to a graphical programming application or, in particular, to a "graphical design interface operable to display a graphical object representing actual code of the source code module", and Chainini lacks any suggestion or motivation to incorporate the teachings of Banning to graphically represent a database object in a graphical design surface representing actual code of the source code module.

The only suggestion or motivation provided by the Examiner to combine the references is "because one would be motivated to clearly and concisely convey particular aspects of a database to a user and make changes via a window of information as taught by Banning"; however, the teaching, suggestion, or motivation to make this combination for this reason is not found in either reference and is apparently based solely on applicants' disclosure using hindsight reconstruction and is thus improper."

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Round-trip programming would have been well-known to one skilled in the art at the time the invention was made. The principle feature in the present application appears to be the binding of an icon representing a database column to the object of the round-trip programming system. Banning clearly identifies a graphical object representing a database column. The objects in the round-trip system bound to variables would obviously include the iconic representation as presented in the office action in regard to the independent claims as presented. Figure 2 of Banning clearly shows iconic representations bound to variable names of the column name. It would be obvious, therefore, to include those graphical objects into the design surface, having a direct relation to a database through the underlying software. Appropriate changes and additions are made in the source code to elements which have been changed in the software model, is well known in the art as disclosed in the Chainini patent by the previous office action.